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1 EDMUND G. BROWN JR., Attorney General of the State of California Board of Vocational Nursing and Psychiatric Technicians 2 JAMES M. LEDAKIS Supervising Deputy Attorney General 3 CARL W. SONNE, State Bar No. 116253 Deputy Attorney General 110 West "A" Street, Suite 1100 San Diego, CA 92101 5 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 645-3164 Facsimile: (619) 645-2061 8 Attorneys for Complainant 9 BEFORE THE BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS 10 **DEPARTMENT OF CONSUMER AFFAIRS** STATE OF CALIFORNIA 11 In the Matter of the Accusation Against: 12 Case No. VN-2006-615 13 STEVEN BROWN, AKA STEVEN WAYNE BROWN ACCUSATION 14 39842 Creative Drive Temecula, California 92591 15 Vocational Nurse License No. VN 218616 16 Respondent. 17 18 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges: 19 **PARTIES** 20 1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ('Board"), 21 22 Department of Consumer Affairs. 23 Vocational Nurse License 24 2. On or about January 11, 2006, the Board issued Vocational Nurse License Number VN 218616 ("license") to Steven Brown ("Respondent"), also known as Steven Wayne 25 Brown. The license will expire on October 31, 2009. 26 27 /// 28

STATUTORY PROVISIONS

- 3. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing Practice Act.
- 4. Code section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.
 - 5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

- (a) Unprofessional conduct. . .
- (f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.
 - 6. Code section 2878.5 states, in pertinent part

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- (c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.

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7. and enforcement of the case. 8. 9. above.

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COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

8. Respondent has subjected his license to discipline under Code section 2878, subdivision (f), in that on June 8, 2007, in the Superior Court, County of Kern, Kern River Judicial District, California, in the case entitled *People of the State of California vs. Steven Wayne Brown*, (Super. Ct., Kern Cty., Kern River Judicial Dist., 2006, Case No. KM017633A), Respondent was convicted by the court on his plea of nolo contendere of violating Vehicle Code section 23103.5, subdivision (a) (wet/reckless), a misdemeanor. The circumstances of the crime are that on or about June 15, 2005, Respondent was arrested for driving erratically and while under the influence of alcohol. Such conduct is substantially related to the qualifications, functions and duties of a licensed vocational nurse.

SECOND CAUSE FOR DISCIPLINE

(Conviction of a Crime Involving Alcoholic Beverages)

9. Respondent has subjected his license to discipline under Code section 2878.5, subdivision (c), on the grounds of unprofessional conduct, in that Respondent has been convicted of a crime involving alcoholic beverages, as more particularly set forth in paragraph 8, above.

THIRD CAUSE FOR DISCIPLINE

(Use Alcohol to an Extent or in a Manner Dangerous or Injurious to Himself or Others)

10. Respondent has subjected his license to discipline under Code section 2878.5, subdivision (b), on the grounds of unprofessional conduct, in that in or about

1	March 18, 2005, Respondent used alcoholic beverages to an extent or in a manner dangerous or
2	injurious to himself or others, as more particularly set forth in paragraph 8, above.
3	MATTERS IN AGGRAVATION
4	11. On June 5, 2005, in the Superior Court, County of San Diego, California,
5	in the matter entitled People vs. Steven Wayne Brown, (Super. Ct., San Diego Cty., 2005, Case
6	No. S193074), Respondent was convicted by the court on his plea of guilty of violating Vehicle
7	Code section 23152, subdivision (b) (drive a vehicle with a blood alcohol level of 0.08 percent or
8	more), a misdemeanor.
9	<u>PRAYER</u>
10	WHEREFORE, Complainant requests that a hearing be held on the matters herein
11	alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
12	Technicians issue a decision:
13	1. Revoking or suspending Vocational Nurse License Number VN 218616,
14	issued to Steven Brown, also known as Steven Wayne Brown;
15	2. Ordering Steven Brown, also known as Steven Wayne Brown to pay the
16	Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the
17	investigation and enforcement of this case, pursuant to Code section 125.3; and,
18	3. Taking such other and further action as deemed necessary and proper.
19	DATED: May 16, 2008
20	Jen Jel- Ja
21	PERESA BELLO-JONES, J.D., M.S.N., R.N. Executive Officer
22	Board of Vocational Nursing and Psychiatric Technicians Department of Consumer Affairs
23	State of California Complainant
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